

### **302 KAR 1:035. Eggs.**

RELATES TO: KRS 247.850-247.865, 260.540-260.650

STATUTORY AUTHORITY: KRS 247.853

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.853 authorizes the commissioner to establish and determine the rules and administrative regulations to conduct a referendum among handlers of eggs for the purpose of promoting and stimulating by research, market development and education, the increased production, use and sale, domestic and foreign, of eggs.

Section 1. Definitions. As used in this administrative regulation, unless the context otherwise requires:

- (1) "Board" means the State Board of Agriculture;
- (2) "Commissioner" means the Commissioner of Agriculture;
- (3) "Dealer" means a person, organization, or cooperative engaged in the business of buying eggs from producers, either on his own account or as an agent, and selling or transferring eggs by the case to a wholesaler, processor, retailer, or other person;
- (4) "Department" means the Department of Agriculture;
- (5) "Handler" means a dealer, processor, or wholesaler;
- (6) "KPF" means the Kentucky Poultry Federation, Inc.;
- (7) "Person" means any individual, firm, partnership, corporation, company, or association, and shall include any trustee, receiver, or similar representative;
- (8) "Referendum agent" means an employee of the State Department of Agriculture under the direct control of the Commissioner of Agriculture.

Section 2. Counties in which Referendum will be Conducted. The egg referendum will be conducted in all counties where egg handlers' principal places of business are located.

Section 3. List of Eligible Voters. The commissioner shall prepare a list of all known persons eligible to vote in said referendum. The list shall be composed from the egg marketing law and the Kentucky Poultry Federation, Inc. One (1) official ballot will be mailed to each egg handler eligible to vote.

Section 4. Who may Vote. All egg handlers located in the Commonwealth of Kentucky who pay or who are subject to pay inspection fees on eggs bought or sold in accordance with KRS 260.600(3); and who are duly licensed under the provisions of KRS 260.550. Each licensee shall be eligible to cast one (1) vote and have their ballot counted in the referendum.

Section 5. Voting. Voting will be by mail-out ballot with the voters returning the signed and marked ballot to the Kentucky Department of Agriculture as determined in Section 6 of this administrative regulation.

Section 6. Referendum Voting Period. Official ballots will be mailed to all egg handlers eligible to vote. The ballots must be signed, marked, and returned to the Kentucky Department of Agriculture postmarked no later than twenty (20) days after mailing. These dates will be published by the commissioner through the medium of the public press in the Commonwealth of Kentucky at least thirty (30) days before the holding of such referendum, and direct written notice thereof shall likewise be given to each county or area agent in any county covered by such referendum.

Section 7. Supervision of the Referendum and Duties of the Referendum Agent. The commis-

sioner shall provide the referendum agent with a copy of this administrative regulation to conduct said referendum. The referendum agent shall see that the official mail ballots are mailed out and received back from the egg handlers on schedule as set forth in Section 6 of this administrative regulation. The referendum agent shall determine by the signature and marking of the ballot if said ballot shall be counted in the referendum.

Section 8. Approved Ballot Forms. The commissioner shall furnish the referendum agent with the approved official ballot forms. The ballot shall contain a certification statement to be signed by the egg handler. The ballot shall show the amount of the assessment the egg handler is voting on.

Section 9. Custody of Ballots. The referendum agent shall have custody of the ballots that are returned to the Kentucky Department of Agriculture and keep the ballots in a secure place until such ballots may be counted.

Section 10. Confidential Information. All ballots cast, the identity of any person who voted, or the manner in which any person voted, and all information furnished to, compiled by, or in the possession of the commissioner and the referendum agent shall be regarded as confidential. The commissioner shall retain the records, the ballots, the results of the referendum, and all other information furnished to or compiled by the commissioner in regard to the referendum for a period of six (6) months.

Section 11. Counting the Ballots. The counting of the ballots shall be in an area designated within the Kentucky Department of Agriculture by the commissioner. The vote count shall be conducted by employees of the Kentucky Department of Agriculture, but the KPF and any organization actively engaged in the handling of eggs in Kentucky may each have one (1) representative present during the counting of the ballots. Such organization must establish to the satisfaction of the commissioner that its desire to observe the counting of the ballots is for a legitimate purpose.

Section 12. Announcement of the Referendum Results. Announcement of the results of the referendum will be made only by the commissioner. The referendum agent or others who assist in the referendum shall not disclose any information in regard to the referendum. The commissioner will announce the results within ten (10) days after the referendum. (7 Ky.R. 363; Am. 447; eff. 11-6-80.)